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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,459	08/29/2003	Uri Elzur	13784US02	8761

7590 03/20/2006

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EXAMINER

NGUYEN, BRIAN D

ART UNIT PAPER NUMBER

2661

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/651,459

Applicant(s)

ELZUR, URI

Examiner

Brian D. Nguyen

Art Unit

2661

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: 13.
Claim(s) rejected: 1-12 and 14-29.
Claim(s) withdrawn from consideration: _____.

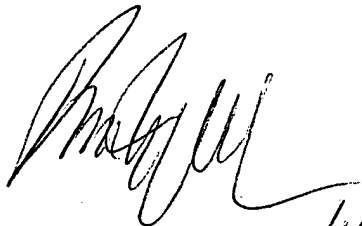
AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). 2/6/06
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: The applicant argued that claim 1 recites "placing data of the out-of-order frame in a host memory". Mallory merely discloses that out-of-order frames may be stored in a buffer, but does not teach "placing data of the out-of-order frames in a host memory". The examiner disagrees because the host memory as claimed is merely used to store the out-of-order frames and the receive buffer disclosed by Mallory is also used to store the out-of-order frames. Therefore, the receive buffer is equivalent to the host memory. The applicant also argued that Mallo does not disclose managing information relating to one or more holes in a receive window. The examiner disagrees because paragraphs 0060, 0140, and 0141 clearly describe this limitation. For example, paragraph 0060 teach of managing information ... by "buffering frames following a gap (hole) for a time in a reorder buffer so that if the receiver can fill the gap with retransmitted frames in time, the frame can be passed to the next layer in sequence order." Paragraph 0140 teaches of managing ... by "if a received frame's sequence number is new and within a window of MaxRxSaveCountChannel from receive sequence number, the receiver will update its state by advancing the window of recent sequence number until the received frame's sequence number is current." Paragraph 0141 teaches of managing ... by "The receive sequence number is repeatedly incremented by 1 ... If the frame is marked received, it is also saved, possibly temporarily. For each new sequence number, the trailing edge of the sliding window of recent sequence numbers also changes ...". Note that "managing" as claimed in claim 1 could be storing, updating, increamenting, etc,. The window disclosed in paragraphs 0140 and 0141 is a receive window because that window is being used at the receiver. Note also that the applicant claims in claim 1 a receive window but does not specify what the receive window is relating to such as a timing, resource, or sequence number. In any case Mallory clearly discloses in paragraph 0106 the window (limit) can be timing, resource, or sequence number limits. The out-of-order frames will be dropped if they are not inside one of those limits..



BRIAN NGUYEN
PRIMARY EXAMINER

3/16/06